

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
APRIL 18, 2005

The Tippecanoe County Commissioners met on Monday, April 18, 2005 at 10:00 A. M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson, Vice President John L. Knochel, and Member Ruth E. Shedd. Also present were: Auditor Robert A. Plantenga, Commissioners' Assistant Jennifer Weston, County Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Benson called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

- Commissioner Knochel moved to approve the minutes of the April 4, 2005 Regular Meeting and the April 14, 2005 Special Meeting, seconded by Commissioner Shedd; motion carried.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS

Commissioners' Assistant Weston recommended approval of the Accounts Payable Vouchers through April 18, 2005 with no exceptions. However, Auditor Plantenga questioned the following travel reimbursement claims that don't follow the County's Travel Policy:

<u>James Doyle</u>	<u>\$8.83</u>
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Auditor Plantenga explained that Mr. Doyle submitted this claim with a credit card receipt for the March 21, 2005 meeting but withdrew it because he was told that, without an itemized receipt, it did not comply with the County's Travel Policy. Auditor Plantenga pointed out that Mr. Doyle attended the same conference as Maureen Coomey whose claim the Commissioners' approved 2 – 1 at the March 21st meeting.

Commissioner Shedd questioned how far the Commissioners should go with the policy. Commissioner Knochel responded he thinks if it is verified by others in the department that the individual did attend, did eat, a credit card receipt is presented, it should be approved.

<u>Darlene Blackburn</u>	<u>\$125.00</u>
<u>Debra McDole</u>	<u>\$125.00</u>
<u>Jan Payne</u>	<u>\$125.00</u>
<u>Nancy Moore</u>	<u>\$125.00</u>

Auditor Plantenga reported that these four individuals attended a session of the Department of Local Government Finance Continuing Education Series and presented a claim for \$25.00 per day with no receipts. It is his understanding they were unaware that receipts are required for reimbursement. In this instance the Department of Local Government Finance specified in a letter certifying their attendance that any assessing official who attends this session is

"entitled to receive a mileage allowance and the per diem as set by the county in which the official resides, under the travel rules of the county".

Auditor Plantenga said the County's Travel Policy states that receipts are required.

"Meal reimbursements will be provided to an employee if travel extends past one calendar day. The reimbursement will be the lessor of a \$25.00 per diem or the actual meal receipts.

For travel that extends more than a day, the employee will be entitled to a per diem of a maximum of \$25.00 per day. Receipts must be presented and the reimbursement will be the lesser of the receipt total of \$25.00. Exceptions to the per diem policy are those specified in the Indiana Code. No reimbursement of tips or alcohol will be allowed."

County Assessor Nancy Moore stated the State used to pay a \$25.00 per diem. She said the Assessors were not aware of the change in policy by the State or what the County required until they returned from the recent sessions without receipts. Mrs. Moore noted the Assessors' 2004 claims were paid and they were submitted the same way as these.

Commissioner Knochel said the letter from the DLGF certifying their attendance at the session is enough documentation for him to approve the claims. Auditor Plantenga asserted there is no way to tell how much they spent on meals and thinks the Travel Policy should be changed since we are not abiding by it. In his opinion, if the Commissioners follow the Travel Policy, these claims should not be paid. Commissioner Shedd said it isn't fair to pay nothing since the Commissioners know they were in attendance. County Assessor Moore asked why their claims were paid before when they were submitted the same way. Auditor Plantenga was unsure when the Travel Policy was amended to add receipts as a requirement but said the County used to pay \$25.00 per day with no receipts required.

President Benson argued the Travel Policy is clear, the State is clear, and the Commissioners should follow the Policy and not pay the vouchers.

Commissioner Knochel said he is willing to approve the vouchers but he is also willing to examine our Travel Policy.

- Commissioner Shedd moved to approve the vouchers as submitted with the exception of the Assessors' which will be paid at half the amount and from here forward, the Auditor should bring such issues to the Commissioners' attention prior to the meeting, and the Commissioners should stick to the Travel Policy.

Commissioner Knochel asked why approve at half. Commissioner Shedd responded because the Commissioners know they attended and that they ate. She does want to pay all because there is a Travel Policy in place. However, because some department heads are unaware of it, the Policy needs to be brought to their attention and enforced.

- Commissioner Shedd's motion died for lack of a second.
- Commissioner Knochel's motion to approve the vouchers as submitted died for lack of a second.
- President Benson moved to approve the vouchers as submitted with the exception of the Assessors' and Jim Doyle's.

Attorney Luhman advised that the Travel Policy says reimbursement will be for actual expenses up to a certain amount. Since the Assessors have no documentation, there is no way to know how much was they spent. Mr. Doyle presented a credit card receipt for his expense although it is not itemized. If the Commissioners think the Policy was not adequately communicated, then they can approve the amount they think was spent.

- Commissioner Benson moved all other vouchers but continue the Assessors' and Mr. Doyle's vouchers until the May 2nd meeting.

County Assessor Moore referred to the Code which says the Assessors are supposed to be paid a per diem for attending conferences. Auditor Plantenga didn't think the Code would apply when there is a signed order.

- Commissioners Benson's motion was seconded by Commissioner Shedd; motion carried with 1 no vote by Commissioner Knochel.

CERTIFICATE OF APPRECIATION

Circuit Court Judge Don Daniel introduced Carol Kuebler who is retiring from the County after twenty five (25) years of service. Most of her tenure was served as a Court Reporter and in Circuit Court. Judge Daniel expressed his gratitude for her work and said she will be missed.

President Benson presented Mrs. Kuebler with a framed Certificate of Appreciation for her 25 years of service to county government and wished her good luck. Mrs. Kuebler thanked the members of the Circuit Court Staff who were also present. She said they all worked as a team.

HARRISON STUDENTS: RE: Barn :Keith Hansen, Marlena Edmondson, Jessica Fay, Katie Watson, Laura Smith, Sam Zuege, and Bonnie Crawford, Counselor

Since Harrison High School was built in 1971, it has been a tradition for the students to paint the barn owned by the County located on County Farm Road (50W) across from the school. The paintings were a way of celebrating victories, defeats, losses of loved ones, cross-town rivalries, and other events. The barn was burned to the ground on March 19, 2005, and the students were present to ask the Commissioners to rebuild the barn to allow the continuation of this local tradition.

The students presented petitions with almost 3,000 signatures. Approximately two thirds of the nine hundred (900) Harrison High School students signed the petitions; the remainder were from students at other schools and members of the community. The students want the barn to be rebuilt for students of the future and to show the community can pull together.

President Benson asked if a bill board or a section of Harrison's parking lot could be used for painting. Sam Zuege responded that, as a county school, Harrison is known for the barn. He said the students realize there will be an expense to rebuild the barn and to pay the insurance. Because so many individuals have offered to help rebuild the barn, he thinks insurance might be the only cost for the Commissioners. He said the students' ultimate goal is to collect money to create a barn fund that can be used to help defray the cost of insurance.

Attorney Luhman asserted that the primary purpose of the barn was to provide shelter for the cattle of the farmer at the Tippecanoe Villa farm. He reported he talked with Tippecanoe School Corporation's attorney about the Corporation's interest in providing a structure like this for the use of all its students. There are liability issues that need to be taken into consideration and he said the County has been fortunate that no one has been injured while on County property.

Harrison High alum Todd Weston stated that, if liability is the only thing to consider, other events that occur in the County that could be equally dangerous. He said rebuilding the barn is a chance for a positive outcome.

Bonnie Crawford, a counselor at Harrison, said the students have shown emotion and what they can do.

Sheriff William "Smokey" Anderson, who was in the audience, said he appreciates the students' efforts but Tippecanoe School Corporation should take the liability. The Sheriff's Department doesn't want to see anyone get hurt.

Villa Director Deanna Sieber, who was also in the audience, said that paint cans and other debris were frequently scattered around the barn.

When asked to comment, Human Resources Director Frank Cederquist said he thinks there are possibilities for a solution. He noted the \$5,000 deductible for liability insurance is the County's expense. As one solution, he suggested entering into an agreement with Tippecanoe School Corp. to hold the County harmless and have

them list the Commissioners as additional insured on the School Corp's insurance. This would put their insurance first in line if there is a claim. He also suggested replacing the barn with a steel structure that would be somewhat fireproof.

Harrison student Laura Smith said the Student Council is willing to take responsibility to keep the area litter free if the barn is rebuilt.

Commissioners' Assistant Jennifer Weston, also a Harrison High alum, applauded the students for their efforts to rebuild the "Harrison Barn" which she said is the only name it has been called for the past thirty years. She reiterated all the emotions the barn evokes and considers it an outlet for students who might otherwise be caught up in the juvenile justice system. In her opinion, this is a way we can step up and she challenged the Commissioners to look beyond the liability and consider that a good old fashioned "barn raising" might be what the community needs.

President Benson commended the self regulation of the students.

Commissioner Shedd acknowledged that something needs to be there but she is concerned about liability for the County. If someone gets hurt or killed at the site, she is concerned for the taxpayers because the County will be named in a law suit. She said she is in favor of helping the students and the school corp. to build something that is agreeable to all concerned.

Commissioner Knochel is optimistic there are no obstacles that can't be overcome in rebuilding the barn. He did say that Mr. Brown, the farmer at the Villa, is concerned about the stewardship at the barn. He would like for the students to keep the trash picked up. Commissioner Knochel said he favors getting another structure up but asked the students to keep in mind that the barn was built to shelter cattle during inclement weather. If another barn is constructed, that purpose will remain so he advised the students to "wear boots".

Commissioner Knochel explained the Commissioners are in the process of receiving quotes to rebuild the barn that will be forwarded to the insurance company for a settlement. He warned that government works "at a snails pace".

President Benson said the Commissioners would appreciate the Student Council taking the lead for the code of conduct related to a new barn or other structure. She asked Attorney Luhman to continue discussions with Tippecanoe School Corp. to see what can be worked out regarding liability insurance and what space the students will be allowed to use.

➔ Commissioner Shedd left the meeting.

HIGHWAY: Executive Director Mark Albers

Bids Awarded: Bituminous Materials and Application of Bituminous Materials (Plant Mixed Asphaltic Concrete, Steele Slag Sand and Dust Control Material) (Opened 4/4/05)

Liquid Asphalt

Asphalt Materials, Inc.

Marathon Ashland Petroleum LLC

Asphalt Paving

Milestone Contractors, L.P.

Rieth-Riley Construction Co., Inc.

Mr. Albers recommended awarding to all bidders. He said Asphalt Materials was the low bidder for Liquid Asphalt, but he recommended also awarding to Marathon Ashland for better response when needed. Rieth-Riley and Milestone were low bidder in various aspects of the bid so he prefers awarding project by project.

- Commissioner Knochel moved to award the Bituminous Materials and Application of Bituminous Materials Bid to all bidders, seconded by Commissioner Benson; motion carried.

Ordinance 2005-10-CM: Temporarily Regulating Weight and Speed Limits on 1050 E between SR 38 & 200 N and Harding Rd. between SR 38 & 900 E: First Reading

Ordinance 2005-10-CM will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Attorney Luhman read portions of the Ordinance:

(quote)

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY, STATE OF INDIANA, THAT the safe speed limit on the affected roads from May 9, 2005 through October 15, 2005 shall be as follows:

On County Road 1050 East, from State Road 38 to County Road 200 North and on Harding Road from State Road 38 to County Road 900 E, the maximum speed limit shall be 35 mph.

NOW, THEREFORE, BE IT ALSO ENACTED BY THE BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY, STATE OF INDIANA, THAT the maximum weight limit on the affected roads from May 9, 2005 through October 15, 2005 shall be as follows:

On County Road 1050 East, from State Road 38 to County Road 200 North and on Harding Road from State Road 38 to County Road 900 East, the maximum weight limit shall be 15 tons.

PENALTY FOR VIOLATION OF THIS ORDINANCE

1. A person who violates the speed regulations set forth in this Ordinance commits a Class C infraction.
2. A person who violates the weight limit regulations set forth in this Ordinance shall be fined seventy-five (\$75.00) and all costs including court costs, for each violation.

(unquote)

Attorney Luhman announced the Ordinance will be in effect after it is adopted on two readings and published in the paper.

Mr. Albers said INDOT (Indiana Department of Transportation) has approximately one (1) month's work to complete before the ninety (90) day closure period.

➔ Commissioner Shedd entered the meeting.

- Commissioner Knochel moved to approve Ordinance 2005-10-CM on first reading, seconded by Commissioner Shedd.

Auditor Plantenga recorded the vote:

KD Benson	Yes
John Knochel	Yes
Ruth Shedd	Yes

- The motion to approve Ordinance 2005-10-CM passed 3 – 0 on first reading.

Continuation Certificate: Bond #04637445, Mulberry Cooperative Telephone Co., Inc.

- Commissioner Knochel moved to accept the one (1) year Continuation Certificate for Bond #04637445 in the amount of \$5,000 for Mulberry Cooperative Telephone Co., Inc., seconded by Commissioner Shedd; motion carried.

COMMUNITY CORRECTIONS: Executive Director Pat Scowden & County Maintenance Director Mike Haan

Mr. Scowden requested a level reduction from LTC V to LTC III for the maintenance position at Community Corrections. Mr. Scowden explained that the current maintenance employee is retiring and the job will now be mostly janitorial in nature since most of the major maintenance work is handled by the County's Maintenance Department.

Maintenance Director Mike Haan said this change will put this person under his supervision and all maintenance personnel will be on the same level. Mr. Scowden said this change has enhanced their coverage and will make it unnecessary for them to call an outside contractor as frequently.

JUVENILE JUSTICE FORMULA GRANT: JAMS: Cary Home: Director Rebecca Humphrey

Mrs. Humphrey requested approval of the Juvenile Justice Formula Grant in the amount of \$37,700 for funding the JAMS (Juvenile Alternative Management Sessions) Program at Cary Home. The grant will be in effect from April 1, 2005 through March 31, 2006.

- Commissioner Knochel moved to approve the Juvenile Justice Formula Grant for the JAMS Program, seconded by Commissioner Shedd; motion carried.

President Benson asked Mrs. Humphrey if she thinks painting a barn is a good outlet for adolescents. Mrs. Humphrey responded that, if adolescents are given an appropriate place and an appropriate set of expectations about how to graffiti, it is healthy and detracts from doing those kinds of things on inappropriate buildings. She thinks it is an important social outlet. She also thinks that close proximity to the school helps prevent inappropriate behavior.

PROFESSIONAL SERVICES AGREEMENT: Home Town Engineering, LLC: County Grant Coordinator Christine Chapman

Mrs. Chapman requested approval of the Professional Services Agreement between Home Town Engineering, LLC and Lauramie Township Regional Sewer District for the Romney Wastewater Infrastructure Plan. Romney's Planning Grant will pay Home Town Engineering \$27,500 to determine the type of system to build and provide a cost estimate.

- Commissioner Knochel moved to approve the Professional Services Agreement with Home Town Engineering LLC for the Romney Wastewater Project, seconded by Commissioner Shedd; motion carried.

LETTER AGREEMENT: RE Wabash River Corridor Brownfields' Assessment: Dennis Carson, Vice President Greater Lafayette Community Development Corp.

Mr. Carson explained this agreement will engage the US Army Corps of Engineers as technical advisors to participate in our Brownfields' Coalition Initiative comprised of the Cities of Lafayette and West Lafayette and Tippecanoe County to perform an environmental assessment of the Wabash River Corridor.

Attorney Luhman advised that the project's estimated cost of \$30,000 will be shared 50/50 between the Community Development Corp. (CDC) and the US Army Corps of Engineers. A check in the amount of \$15,000 from the CDC to the County constitutes the local match.

Commissioners' Assistant Weston announced she prepared a Accounts Payable Voucher for approval by the Commissioners to authorize the payment of the \$15,000 received from the CDC as the County's match.

- Commissioner Knochel moved to approve the Agreement between the County and the US Army Corps of Engineers and the Account Payable Voucher in the amount of \$15,000, seconded by Commissioner Shedd; motion carried.

VILLA APPLICATION

- Commissioner Knochel moved to approve the application of Violet R. Walker to the Tippecanoe Villa, seconded by Commissioner Shedd; motion carried.

REPORTS

Reports from Veterans Affairs and Tippecanoe Parks & Recreation are on file in the Commissioners' Office for review.

PUBLIC COMMENT

None.

ADJOURNMENT

- Commissioner Knochel moved to adjourn, seconded by Commissioner Shedd; motion carried.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

KD Benson, President

ATTEST:

John L. Knochel, Vice President

Robert A. Plantenga, Auditor

Ruth E. Shedd, Member